US Army Corps of Engineers.

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

NUMBER: 23457S DATE: 24 April 1998

RESPONSE REQUIRED BY: 24 May 1998

Regulatory Branch
333 Market Street
San Francisco, Ca. 94105-2197 PERMIT MANAGER: Bob Smith Phone: (415) 977-8450 E-mail: rsmith @smtp.spd.usace.army.mil

1. **INTRODUCTION:** The County of Santa Cruz, Department of Public Works, 701 Ocean Street, Room 410, Santa Cruz, California, 95060, [contact: John Fantham, (408) 454-2160] has applied for a Department of the Army permit to discharge fill incidental to the annual removal of vegetation from the channel bottom of the Pajaro River with mechanized equipment, and to desilt the Pajaro River channel within the first 1,000 feet downstream of the confluence with Salsipuedes Creek, in Santa Cruz County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. **PROJECT DESCRIPTION:** As a special condition to the Corps of Engineers Permit, No. 21212S, issued on May 24, 1995, the County of Santa Cruz was required to prepare a management and restoration plan for the Pajaro River. A component of the plan is to manage the vegetation in the channel bottom, i.e., the area from the toe of the bank to the toe of the bank excluding the low flow channel and the low flow channel vegetation buffer [see attached drawing for a graphic depiction of channel nomenclature as used in the Pajaro River Management and Restoration Plan (PRMRP)]. The purpose would be to maintain the hydraulic capacity of the river channel for flood protection. The vegetation would be managed in the nontidal portions of the river starting upstream of the Highway 1 Bridge and continuing upstream to Murphy Crossing.

The following techniques would be used to manage vegetation:

- Annual removal of vegetation.

- Woody vegetation would be manually cut, mowed, and/or knocked down with mechanical equipment.

- Woody rootballs may be scarified with a ripper to a depth of 2 feet at selected locations.

- Mechanical equipment may include, but would not be limited to, hydraulic excavators; flail mowers; trac-macs; and dozers with blades and ripper attachments.

- Herbicides registered for use in aquatic areas would be applied with hand held spray bottles (no back pack sprayers would be used) to kill willow stumps that are not physically uprooted or removed from the channel bottom.

The following restrictions would apply to the management activities:

- Where possible, existing access roads will be used to reach the channel bottom. Additional access roads, if necessary, would be revegetated with willow cuttings in the fall immediately following access road clearing.

- Use of all equipment in the cannel bottom would be conducted during the dry season (June 1 to October 15).

- All work, including tree removal, would be done in the dry and not encroach upon flowing waters.

- Vegetation cuttings would be removed from the channel bottom for upland disposal or chipped on banks or benches, unless equipment used chips vegetation as it cuts.

- If disturbed by vegetation removal, sandbar con-

tours would be reestablished at natural grades. No sediments would be extracted during vegetation maintenance activities.

- Equipment would be utilized in dry areas and restricted from encroaching upon flowing water, except as necessary for crossing events.

- Equipment crossing flowing water would be restricted to narrow, shallow riffle sites and would be limited to onetime ingress and egress events, for one time access to dry sandbars.

- Crossing locations are expected to vary annually, depending upon sandbar locations. Crossing events are expected to be necessary at intervals of approximately 200 feet, although actual intervals may vary.

- Temporary culverts would be placed at sites where repeated equipment crossings are necessary.

- Standard erosion control devices including straw bales and silt fences would be installed for construction of culvert crossings.

- Turbidity levels would be monitored and work would be discontinued if turbidity levels rise by more than 10% of background levels during any crossing event.

- Herbicide may be used on cut willow trunks.

In addition to vegetation maintenance the County has also requested authorization to remove sandbars and sediment deposits that from in the Pajaro River channel bottom within the first 1,000 feet downstream of the confluence with Salsipuedes Creek (see sheet 4 of drawings). This area has historically been subject to heavy sedimentation which causes restriction of flow in the river. The County would remove sandbars and sediment deposits from the channel bottom when necessary to maintain hydraulic capacity at the confluence. This work would be subject to the same restrictions as the vegetation maintenance.

3. **STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification or waiver before a Corps permit may be issued. The applicant is notified by this Public Notice that, unless he provides the Corps with evidence of a valid request for state water quality certification to the Central Coast Regional Water Quality Board within 30 days of the date of this public notice, the Corps may consider this application withdrawn. No Corps permit will be granted until the applicant obtains the required certification or waiver. A waiver shall be explicit, or it will be deemed to have occurred if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

4. **PRELIMINARY ENVIRONMENTAL ASSESSMENT:** The Corps of Engineers has assessed the environmental impacts of the action proposed in subject permit application in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations 40 CFR 1500-1508, and Corps of Engineers' Regulations, 33 CFR 230 and 325. Unless otherwise stated, the Preliminary Environmental Assessment presented herein describes only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers. The Environmental Matrix used in the preparation of this Preliminary Environmental Assessment are on file at the Regulatory Branch, Corps of Engineers, 333 Market Street, San Francisco, California.

The Preliminary Environmental Assessment resulted in the following findings:

a. IMPACTS ON THE AQUATIC ECOSYSTEM

(1) Physical/Chemical Characteristics and Anticipated Changes

Substrate - Mechanized removal of vegetation in the channel bottom would result in the removal of a portion of the channel substrate, even though the intent is not to remove sediment. The amount of sediment removed would depend on the finesse of the equipment operator. In years with very high

flows, such as this year, when all vegetation is scoured out of the channel by the high flows, the adverse impact from the maintenance would be minimal compared to the natural scouring. In normal years the adverse maintenance impacts on the channel subtrate could range from minor to moderate.

Streamflow - Annual removal of vegetation from the channel bottom would maintain the hydraulic capacity of the channel. Removal of sandbars and sediment deposits from the Pajaro/Salsipuedes confluence would maintain the hydraulic capacity of the river at the confluence. These would be major long term beneficial impacts.

Erosion/Sedimentation Rate - Removal of vegetation and sandbars in the channel bottom would expose sediments to erosion. Sedimentation may occur downstream as a result. Depending on the flows in the river this would be a minor to moderate adverse impact.

Water Quality -Crossing of the stream channel during maintenance activities could increase turbidity in the river. During work turbidity levels would be monitored and work would be discontinued if turbidity levels rise by more than 10% of background levels during any crossing event. Adverse impacts are considered to episodic and minor.

(2) Biological Characteristics and Anticipated Changes

Wetlands (Special Aquatic Site) - Currently the channel bottom is devoid of vegetation due to scouring from the recent high flows. Wetland vegetation will reestablish itself in the channel, but to what extent is unknown. The maintenance would result in destruction of wetland vegetation. This is considered a major adverse impact.

Endangered Species - Steelhead trout, *Onchorynchus mykiss*, occur in the river and are listed as threatened under the Endangered Species act. The endangered tidewater goby, *Eucycloglobius newberryi*, occurs in the Pajaro River lagoon. The endangered Santa Cruz long-toed salamander, *Ambystoma marcodactylum croceum*, and the California red-legged frog, *Rana aurora draytoni*, possibly exist in the project area, but their presence is reported to be unlikely due to lack of suitable habitat and the presence of predatory fish and bullfrogs.

If impacts to these species are identified, the Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service as required by Section 7 of the Endangered Species Act.

Habitat for Fish, Other Aquatic Organisms, and Wildlife - In 1993 and 1994 all vegetation was removed from most of the project area. As part of the PRMRP, replanting of riparian vegetation is planned for the lower channel banks and the inner channel benches. In the channel bottom no planting will occur, only natural revegetation. If carried out annually, the vegetation maintenance would remove only that growth that has occurred in the channel bottom since the winter high flows. Revegetation of the other portions of the channel would be a major beneficial impact. Depending on the amount of regrowth each year in the channel bottom, removal of the vegetation would be a minor to moderate adverse impact. Impacts from the removal of sediment/sandbars from the Pajaro/Salsipuedes confluence would depend on the amount of material removed and the extent to which it is allowed to revegetate prior to removal. These impacts cannot be quantified in advance of the work.

b. IMPACTS ON RESOURCES OUTSIDE THE AQUATIC ECOSYSTEM

(1) Physical Characteristics and Anticipated Changes

Air Quality - Based on the relatively minor size of the proposed project and limited to an evaluation of air quality impacts only within Corps of Engineers' (Corps) jurisdictional areas, the Corps has determined that the total direct and indirect project emissions would not exceed the de minimus threshold levels of 40 CFR 93.153. Therefore, the proposed

project would confrom to the requirements of the State Air Quality Implementation Plan (SIP) for California.

(2) Biological Characteristics and Anticipated Changes

Riparian Habitat (Not in Corps' Jurisdiction) - In 1993 and 1994 all vegetation was removed from most of the project area. As part of the PRMRP replanting of riparian vegetation is planned for the lower channel banks and the inner channel benches. This would be a major beneficial impact.

(3) Socioeconomic Characteristics and Anticipated Changes

Public Health and Safety - Removal of the vegetation in the channel bottom would maintain the hydraulic capacity of the channel. The River currently has a 10 to 12 year capacity with no freeboard. If the minor levee improvements and vegetation maintenance recommended in the PRMRP are carried out, the channel would have a 20 year capacity, with 3 feet of freeboard. This would be a major beneficial impact.

(4) Historic - Cultural Characteristics and Anticipated Changes

A Corps of Engineers' archaeologist is currently conducting a cultural resources assessment of the permit area, involving review of published and unpublished data on file with city, State, and Federal agencies. If, based upon assessment results, a field investigation of the permit area is warranted, and cultural properties listed or eligible for listing on the National Register of Historic Places are identified during the inspection, the Corps of Engineers will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

c. SUMMARY OF INDIRECT IMPACTS

None have been identified.

d. SUMMARY OF CUMULATIVE IMPACTS

None have been identified.

e. CONCLUSIONS AND RECOMMENDATIONS

Based on an analysis of the above identified impacts, a preliminary determination has been made that it will not be necessary to prepare an Environmental Impact Statement (EIS) for the subject permit application. The Environmental Assessment for the proposed action has, however, not yet been finalized and this preliminary determination may be reconsidered if additional infromation is developed.

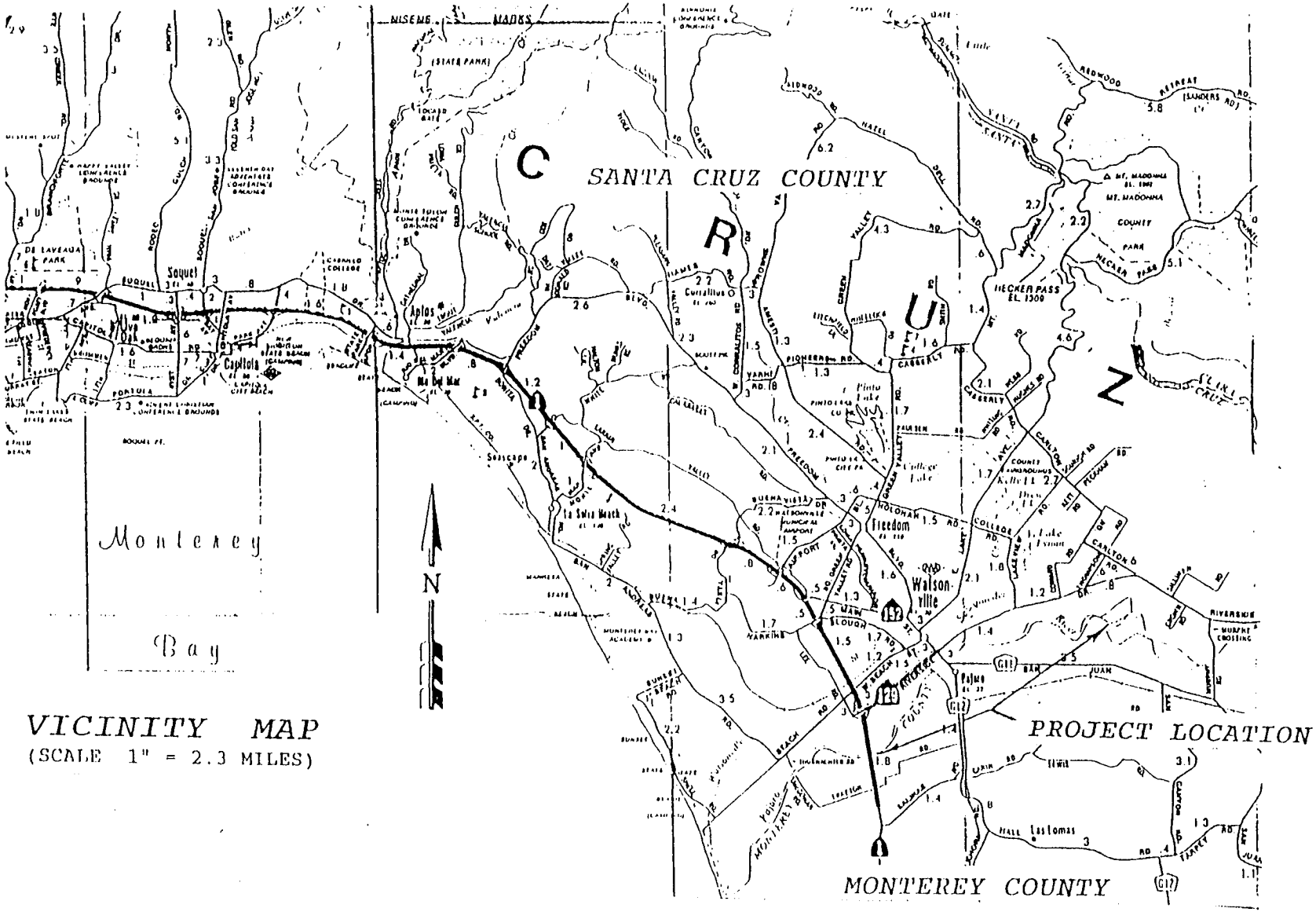
5. **EVALUATION OF ALTERNATIVES**: Evaluation of this activity's impacts includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation was made by this office under the 404(b)(1) guidelines and it was determined that the proposed project is water dependent.

6. **PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy

needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

7. **CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

8. **SUBMISSION OF COMMENTS:** Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to: Lieutenant Colonel Richard G. Thompson, District Engineer, Attention: Regulatory Branch. It is Corps policy to forward any such comments which include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this notice, or by contacting Bob Smith of our office at telephone 415-977-8450 or E-mail: bsmith@smtp.spd.usace.army.mil.. Details on any changes of a minor nature which are made in the final permit action will be provided on request.



VICINITY MAP
(SCALE 1" = 2.3 MILES)

PAJARO RIVER VEGETATION MANAGEMENT

IN: Pajaro River COUNTY OF: Santa Cruz

APPLICATION BY: Santa Cruz County, Department of Public Works

SHEET 1 OF 4

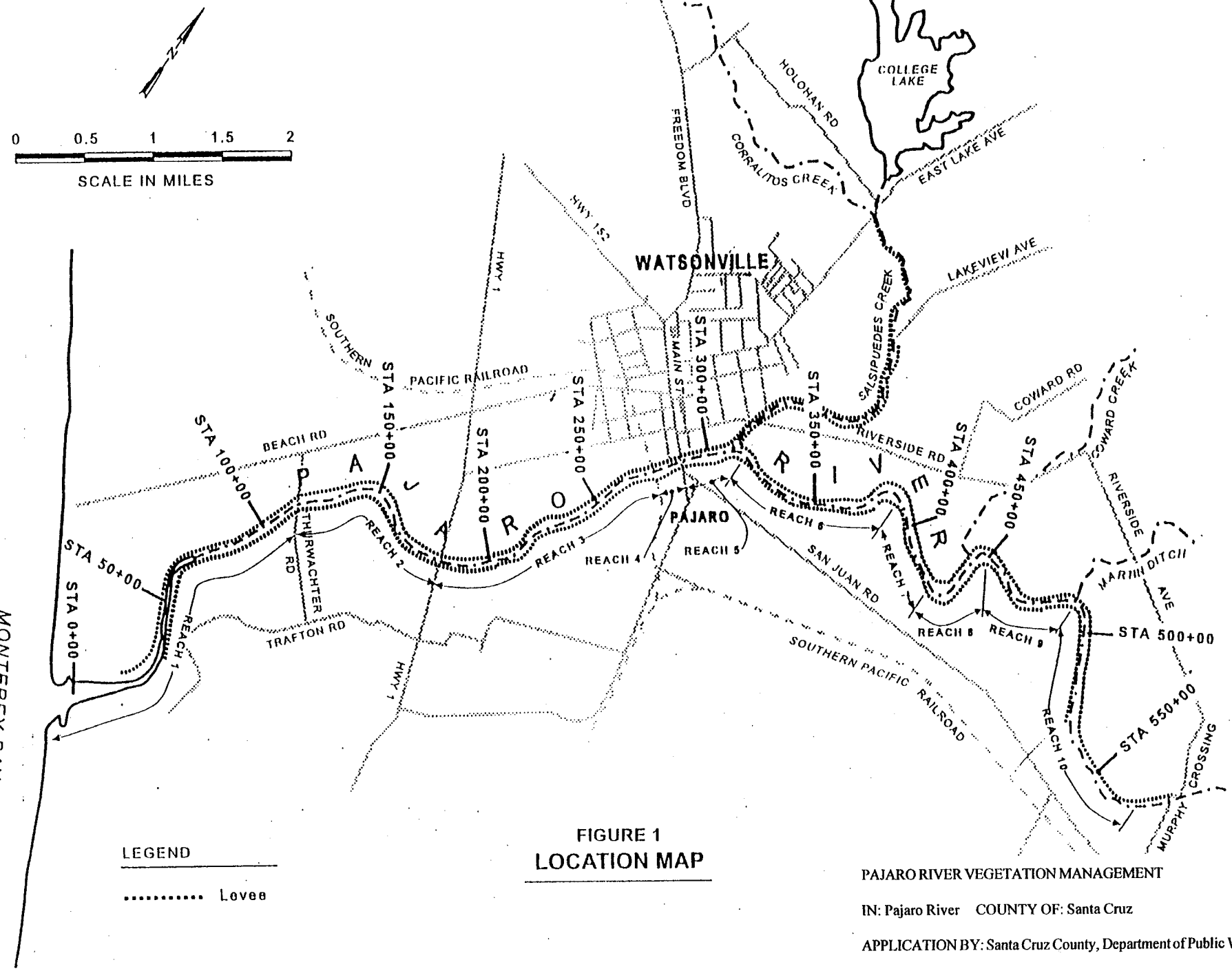


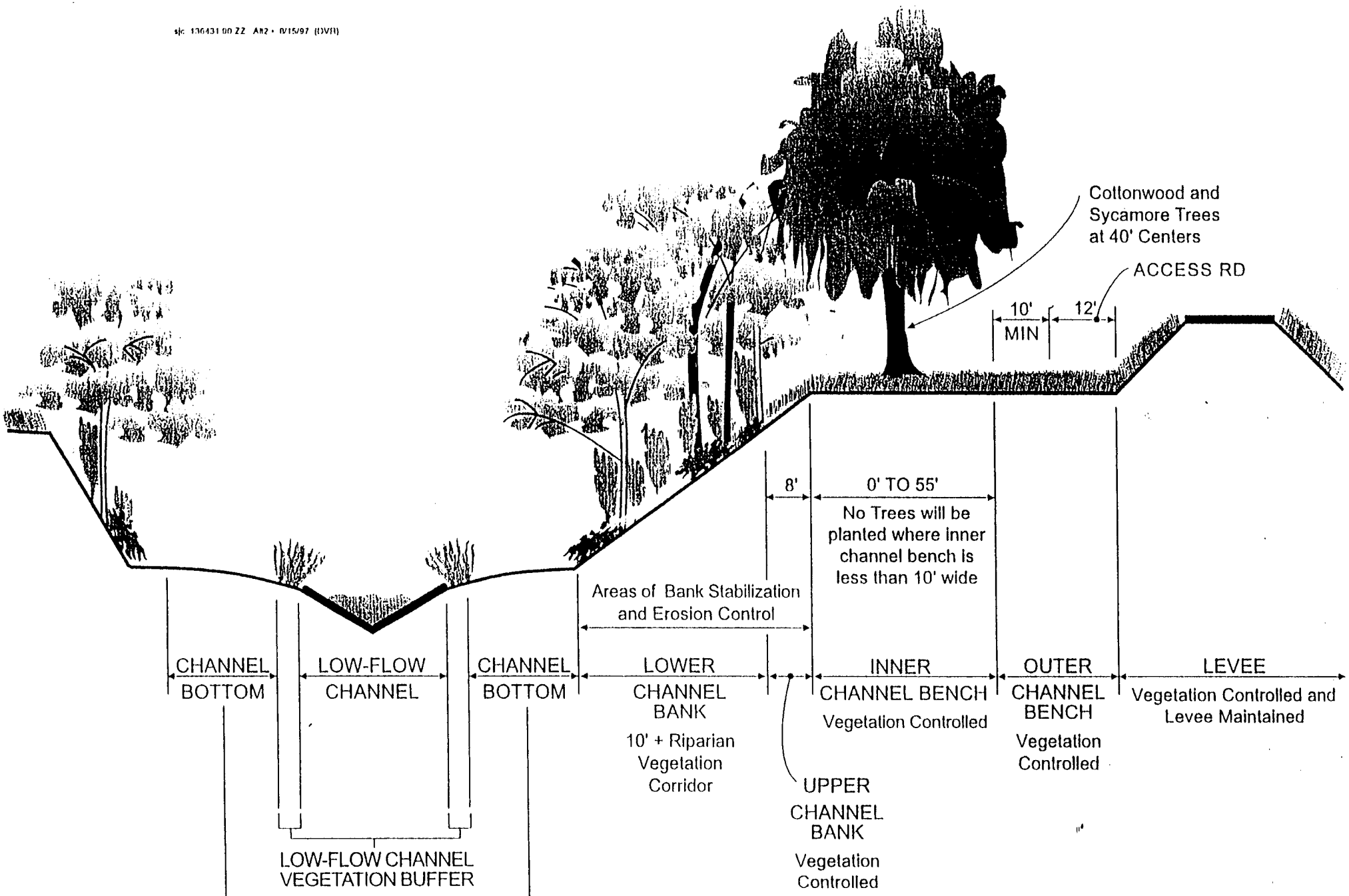
FIGURE 1
LOCATION MAP

PAJARO RIVER VEGETATION MANAGEMENT

IN: Pajaro River COUNTY OF: Santa Cruz

APPLICATION BY: Santa Cruz County, Department of Public Works

SHEET 2 OF 4

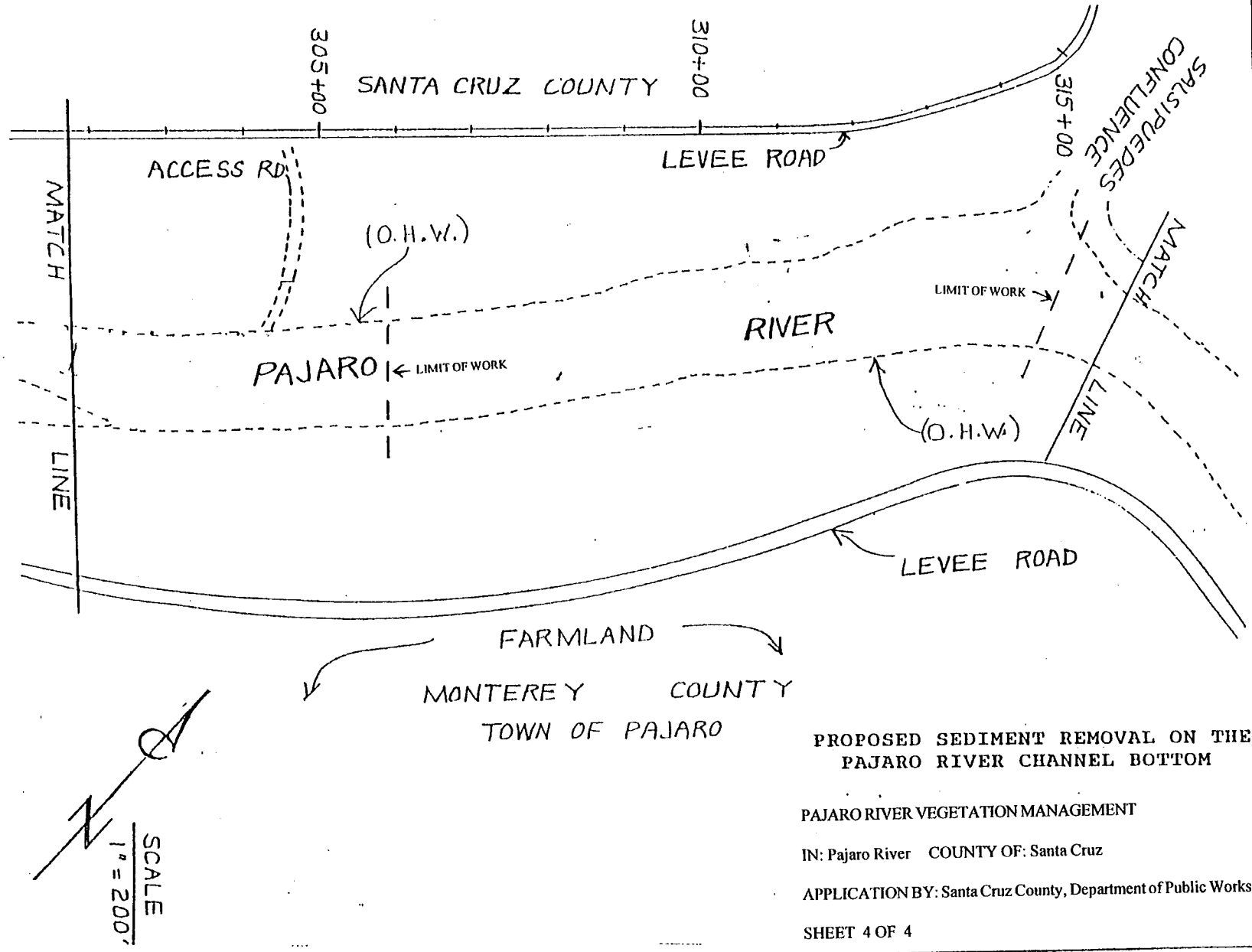


PAJARO RIVER VEGETATION MANAGEMENT

IN: Pajaro River COUNTY OF: Santa Cruz

APPLICATION BY: Santa Cruz County, Department of Public Works

SHEET 3 OF 4



PROPOSED SEDIMENT REMOVAL ON THE PAJARO RIVER CHANNEL BOTTOM

PAJARO RIVER VEGETATION MANAGEMENT

IN: Pajaro River COUNTY OF: Santa Cruz

APPLICATION BY: Santa Cruz County, Department of Public Works

SHEET 4 OF 4